

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONALD SCOTT METOYER,

§

Plaintiff,

§

v.

CIVIL ACTION NO. 5:23-CV-41-RWS-JBB

RHYEEM ROBINSON, ET AL.,

§

Defendant.

§

ORDER

Before the Court is Plaintiff Donald Metoyer's civil rights complaint alleging deprivations of his constitutional rights. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or obey an order of the Court. Docket No. 10. The Magistrate Judge also recommended that the statute of limitations be suspended for 60 days following the date of entry of final judgment. *Id.* Plaintiff received the Magistrate Judge's Report on March 5, 2024. Docket No. 11. To date, no response or objections have been filed.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 10) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or obey an order of the Court. It is further

ORDERED that the statute of limitations is suspended for a period of 60 days following the date of entry of final judgment.

SIGNED this 6th day of June, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE